

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Group Art Unit: 1652

TAUCH *et al.*

Examiner: R.G. HUTSON, Ph.D.

Appln. No.: 09/704,725

Filed: November 3, 2000

Title: PLASMIDS FROM CORYNEBACTERIUM GLUTAMICUM AND USE THEREOF

#14
S.g.
10/9/02



October 4, 2002

* * * * *

**DECLARATION OF BIOLOGICAL DEPOSIT
IN COMPLIANCE WITH THE BUDAPEST TREATY**

Hon. Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Thomas A. Cawley, Jr., hereby state as follows:

1. I am an attorney of record for the above-identified patent application, and as such I am authorized to act on behalf of Degussa Ag, the assignee of the application.

2. Degussa AG is the assignee of the above-identified patent application as evidenced by an assignment from Degussa-Hüls Aktiengesellschaft that was recorded in the U.S. Patent and Trademark Office on October 6, 2001, at Reel No. 012322, Frame No. 0909. Degussa-Hüls Aktiengesellschaft was the original assignee as evidenced by an assignment from the inventors that was recorded in the U.S. Patent and Trademark Office on February 6, 2001, at Reel No. 011514, Frame No. 0181.

3. The following, described throughout the specification of the above-identified application, were deposited with the Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH (DSM) under the terms of the Budapest Treaty:

Corynebacterium glutamicum LP-6 containing the plasmids pTET3, pCRY4m pGA1, and pGA2 having DSM Accession No. 5816, deposited on February 23, 1990.

4. DSM is a depository in accordance with the Budapest Treaty for the above-deposited cultures. Should the cells mutate, become non-viable, non-functional, or be inadvertently destroyed, the assignee will replace such cells for at least thirty years from the date of the original deposit, or for at least five years from the date of the most recent request for release of a sample, or for the enforceable life of any patent issued on the above-identified application, whichever period is longest.

5. The deposits have been made under conditions of assurance of (a) ready accessibility thereto by the public if an enforceable patent is granted whereby all restrictions to the availability to the public of the cell lines so deposited will be irrevocably removed upon the granting of the patent, and (b) access to the cell lines will be available during pendency of the patent application to one determined by the Commissioner of Patents and Trademarks to be entitled thereto under applicable statutes and regulations.

6. All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under section 1001 of Title 18 of the United

States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Degussa-AG

By



Thomas A. Cawley, Jr., Ph.D.

Reg. No. 40,944

Attorney for Applicants

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Pillsbury Winthrop LLP
1600 Tysons Boulevard
McLean, VA 22102
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FOR UTILITY/DESIGN
CIP/PCT NATIONAL/PL
ORIGINAL/SUBSTITUTE/SUPPLEMENTAL
DECLARATIONS

RULE 63 (37 C.F.R. 1.53)
DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PM & S
FORM

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the INVENTION ENTITLED
PLASMIDS FROM CORYNEBACTERIUM GLUTAMICUM AND USE THEREOF

the specification of which (CHECK applicable BOX(ES))
X A. ☐ is attached hereto.
BOX(ES) → B. ☒ was filed on November 3, 2000 as U.S. Application No. 09/704,725
→ C. ☐ was filed as PCT International Application No. PCT/ / on /
and (if applicable to U.S. or PCT application) was amended on /

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. Except as noted below, I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International Application which designated at least one other country than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International Application, filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application:

PRIOR FOREIGN APPLICATION(S)

Number	Country	Day/MONTH/Year Filed	Date first Laid-open or Published	Date Patented or Granted	Priority NOT Claimed
199 53 206.0	GERMANY	5 November 1999			

If more prior foreign applications, X box at bottom and continue on attached page.

Except as noted below, I hereby claim domestic priority benefit under 35 U.S.C. 119(e) or 120 and/or 365(c) of the indicated United States applications listed below and PCT international applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT international filing date of this application:

PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATION(S)

Application No. (series code/serial no.)	Day/MONTH/Year Filed	Status pending, abandoned, patented	Priority NOT Claimed
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint Pillsbury Madison & Sutro LLP, Intellectual Property Group, 1100 New York Avenue, N.W., Ninth Floor, East Tower, Washington, D.C. 20005-3918, telephone number (202) 861-3000 (to whom all communications are to be directed), and the below-named persons (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to delete names/numbers below of persons no longer with their firm and to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct the above firm and/or a below attorney in writing to the contrary.

Paul N. Kokulis	16773	Paul E. White, Jr.	32011	Stephen C. Glazier	31361	William P. Atkins	38821
Raymond F. Lippitt	17519	Glenn J. Perry	28458	Ruth N. Morduch	31044	Paul L. Sharer	36004
G. Lloyd Knight	17698	Kendrew H. Colton	30368	Richard H. Zaitlen	27248		
Kevin E. Joyce	20508	G. Paul Edgell	24238	Roger R. Wise	31204		
George M. Sirilla	18221	Lynn E. Eccleston	35861	Michael R. Dzwonczyk	36787		
Donald J. Bird	25323	Timothy J. Klima	34852	W. Patrick Bengtsson	32456		
Peter W. Gowdey	25872	David A. Jakopin	32995	Jack S. Barufka	37087		
Dale S. Lazar	28872	Mark G. Paulson	30793	Adam R. Hess	41835		

(1) INVENTOR'S SIGNATURE: Andreas Tauch

Date: X 01/22/2001

First		Middle Initial		Family Name	
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(include Zip Code)					

(2) INVENTOR'S SIGNATURE: Jorn Kalinowski

Date:

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Mailing Address		Lenbachstrasse 19, D-33615 Bielefeld, GERMANY			
(include Zip Code)					

"X" box ☒ FOR ADDITIONAL INVENTORS, and proceed on the attached page to list each additional inventor.
☐ See additional foreign priorities on attached page (incorporated herein by reference).

Atty. Dkt. No. PM274355
(M#)

FOR UTILITY/DESIGN
CIP/PCT NATIONAL/PLANT
ORIGINAL/SUBSTITUTE/SUPPLEMENTAL
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Paul N. Kokulis	16773	Paul E. White, Jr.	32011	Stephen C. Glazier	31361	William P. Atkins	38821
Raymond F. Lippitt	17519	Glenn J. Perry	28458	Ruth N. Morduch	31044	Paul L. Sharer	36004
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Dale S. Lazar	28872	Mark G. Paulson	30793	Adam R. Hess	41835		

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Date:

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(2) INVENTOR'S SIGNATURE:

Date: 01/22/2001

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First	Middle Initial	Family Name	
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City	State/Foreign Country		Country of Citizenship
Mailing Address	Lenbachstrasse 19, D-33615 Bielefeld, GERMANY		
(include Zip Code)			

"X" box ☒ FOR ADDITIONAL INVENTORS, and proceed on the attached page to list each additional inventor.
☐ See additional foreign priorities on attached page (incorporated herein by reference).

Atty. Dkt. No. PM274355
(M#)

DECLARATION AND POWER OF ATTORNEY

(continued)

ADDITIONAL INVENTORS:



(3) INVENTOR'S SIGNATURE:

Date: 01/24/2001

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(include Zip Code)			

(5) INVENTOR'S SIGNATURE:

Date:

First	Middle Initial	Family Name	
Residence			
City	State/Foreign Country		Country of Citizenship
Mailing Address			
(include Zip Code)			

(6) INVENTOR'S SIGNATURE:

Date:

First	Middle Initial	Family Name	
Residence			
City	State/Foreign Country		Country of Citizenship
Mailing Address			
(include Zip Code)			

(7) INVENTOR'S SIGNATURE:

Date:

First	Middle Initial	Family Name	
Residence			
City	State/Foreign Country		Country of Citizenship
Mailing Address			
(include Zip Code)			

(8) INVENTOR'S SIGNATURE:

Date:

First	Middle Initial	Family Name	
Residence			
City	State/Foreign Country		Country of Citizenship
Mailing Address			
(include Zip Code)			

(9) INVENTOR'S SIGNATURE:

Date:

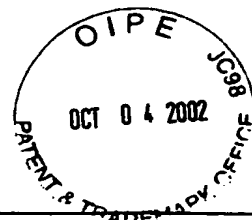
First	Middle Initial	Family Name	
Residence			
City	State/Foreign Country		Country of Citizenship
Mailing Address			
(include Zip Code)			

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DECLARATION AND POWER OF ATTORNEY
(continued)
ADDITIONAL INVENTORS:



(3) INVENTOR'S SIGNATURE:

Date:

Alfred		PUHLER
First	Middle Initial	Family Name
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(4) INVENTOR'S SIGNATURE:

Date:

Georg		THIERBACH
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Residence	Bielefeld	GERMANY
City	State/Foreign Country	Country of Citizenship
Mailing Address	Gunststrasse 21, D-33613 Bielefeld, GERMANY	
(include Zip Code)		

(5) INVENTOR'S SIGNATURE:

Date:

First	Middle Initial	Family Name
Residence		
City	State/Foreign Country	Country of Citizenship
Mailing Address		
(include Zip Code)		

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Date:

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